

Platte Chat

*An ongoing conversation about how to best preserve free enterprise,
personal responsibility and limited government in Nebraska*



Conservation Easements: A Private Path to Permanent Preservation of Land that Benefits Us All

By Dave Sands, Executive Director
Nebraska Land Trust

We've all been there - talking to someone who expresses the opinion that Nebraska is topographically challenged and devoid of anything but agriculture. When I hear such remarks, I have a bad habit of asking, "Did you see our state from 30,000 feet or through a windshield on I-80?" This reflexive response stems from experience -- I've seen a lot of Nebraska and know that it is a place of diverse beauty with stunning landscapes, pristine rivers, world-class wildlife, and important history. But to be fair, the skeptics are right about one thing; 97% of the land is privately owned and most of that is in agriculture.

If a person admires beautiful landscapes, appreciates wildlife, and enjoys clean water in Nebraska, we have private landowners to thank for providing these public benefits at no cost to the taxpayer. However, the continuance of sound stewardship is not a given, especially in our most scenic and vulnerable areas. In most cases, working farms and ranches have provided these "natural amenities" for generations, but if agriculture is replaced with other land uses, scenic vistas, wildlife, woodlands, cleaner water, and other public benefits can go with it.

A good example is the Schramm Bluffs of Sarpy County. If you've ever admired the view while crossing the Platte River on I-80 between Omaha and Lincoln, you've appreciated the Schramm Bluffs. If you happen to be among the thousands who take a closer look every year by visiting Schramm State Park or the Eastern Nebraska 4-H Center, you also know that the area's beauty is more than skin deep.

On the final leg of its journey to the Missouri River, the Platte cuts through steep limestone hills, creating a mosaic of rolling farmland and deep ravines, filled with locally rare oak/hickory forest. It offers some of the best wildlife habitat in eastern Nebraska, which is why Schramm State Park has been designated as an Important Bird Area (IBA) by the National Audubon Society, the only IBA in the lower Platte Valley.

The lower Platte River sustains people as well, including the state's largest metropolitan area. In the Schramm Bluffs and the rest of the Bluffs Region downriver from Ashland, water quality concerns are heightened by the steep terrain. Soil erosion from construction sites, or the first flush of polluted urban runoff after a rainstorm would quickly reach the river, with one of

Omaha's municipal well fields at the lower end of the region.

The area is also an asset for economic development, as studies show that natural amenities are viewed as "free benefits" that contribute to quality of life through scenic vistas, public parks, outdoor recreation, and nature education. At the heart of this landscape, the Schramm Bluffs are highly visible from Schramm, Platte River and Mahoney State Parks, I-80, Quarry Oaks, Safari Park, and the Lied Bridge. Many children appreciate the area on visits to local camps and educational field trips to the Aksarben Aquarium. It is also a place that has sustained people for a very long time, with archeological sites nearly 1,000 years old.

In the conservation of any area, the first step is recognition that there is much to lose before it is lost. With an active landowner base advocating for preservation and county officials willing to listen, Sarpy County took this first step when it designated the 11,000-acre "Schramm Conservation District" as the county's most important and vulnerable environmental area; an area where natural resources should be preserved. Through zoning rules, the County required Conservation Developments in the District, where 40% of a developments land must remain in open space, protected in perpetuity through a conservation easement.

In selecting conservation easements as a tool for preservation, Sarpy County also recognized the best deal for its taxpayers. Public ownership of land is costly. There is the considerable expense for acquisition, not to mention ongoing management and political costs if land becomes tax-exempt. Zoning can be helpful, but it isn't permanent protection and is easily changed. When the goal is permanent preservation, conservation easements offer the most cost-effective approach, one that costs significantly less on the front end, while keeping the land under private management, on the tax role, and often in agriculture or other productive uses.

Some argue that future property tax revenues are sacrificed in the process, but studies have shown that subdivisions are often a bad deal for the taxpayer, as increased revenues fall far short of increased costs due to the extension of infrastructure and ongoing services for roads, sewers, schools, fire protection, and law enforcement. Some might also question the perpetual nature of conservation easements, but few would question a landowner's right to sell a farm for a shopping mall, which is a permanent decision as well. A conservation easement is the flip side of this same property right, which allows landowners to determine the future of their land.

In 2001, the Nebraska Land Trust (NLT) was formed to work with private landowners who wanted to leave a legacy of preservation. From the beginning, the lower Platte Valley has been a priority for the NLT as it harbors important natural, historical, and agricultural resources, in the midst of a region that is projected to have two million people within 50 years. Conservation easements are not about hindering this growth, but they are about preserving special places as growth occurs. By working with willing landowners, the NLT has preserved nearly 2,300 acres in the Platte Valley, including six miles of riverfront, numerous wetlands, woodlands, meadows, productive farmland, and two sites on the National Register of Historic Places.

However, the lower Platte Valley is a big place and conservation easements are most effective when efforts are focused on areas of highest importance. It didn't take long for the NLT to recognize that the Schramm Bluffs deserved our focus and more importantly, that there were many landowners who were interested in permanent preservation. When the NLT mailed a letter to 16 area landowners to assess interest, 13 replied in the affirmative and allowed a team of experts to assess their land for conservation values.

In the assessment of properties for conservation values, it was determined that land conservation would be particularly effective if it occurred in close proximity to Schramm State Park, which could serve as a 330-acre protected core to build upon. Because of this, it was no surprise that several of the best conservation prospects were working farms. This also meant that most of the owners' financial security was tied to their land. When a landowner grants a conservation easement, they reduce that equity through relinquishment of development rights, and in Sarpy County, the appraised value of these rights would be substantial.

A donation of any part of appraised value in the Schramm Bluffs would be generous (and tax-deductible), but the NLT recognizes that full donations are unlikely when one's livelihood is tied to the land. Significant funds would be needed for a free-market approach to preservation, through the purchase of development rights from willing sellers. As a catalyst for the effort, the NLT obtained a \$1.1 million grant from the Nebraska Environmental Trust, which is funded by proceeds from the Nebraska Lottery.

By the middle of 2011, it is expected that \$985,665 of the grant will have been used, but in addition to these funds, the NLT was able to leverage the Environmental Trust grant with \$958,010 from the federal Farm and Ranch Protection Program, which is a part of the Farm Bill. Furthermore, landowners have offered to donate \$458,810 of appraised value through "Bargain Sales." With \$64,814 more in funding from other sources, and additional funds for associated expenses, the NLT has raised nearly \$2.5 million to protect four properties totaling 484 acres, more land than Schramm State Park itself.

Of course, the real evidence of success is the resources on those acres, which are a quilt of pastoral farmland interspersed with deep ravines carved by spring-fed streams, with mature stands of eastern oak/hickory forest that attract an exceptional diversity of birds. The forest has also attracted people for centuries, with early farmsteads and ancient archeological sites scattered among the trees. Moreover, anyone can readily view these beautiful lands from a scenic stretch of Highway 31 as it winds down into the Platte Valley. Two properties are actually adjacent to Schramm Park, which helps to protect the public's investment in recreation, while enlarging a contiguous block of protected habitat to 578 acres for wildlife.

These lands are just the start, as preservation of irreplaceable landscapes is a long-term proposition, and there is no shortage of such landscapes in Nebraska, regardless of the flyover/I-80 mentality. Land preservation also requires funding from irreplaceable state sources like the Environmental Trust, and voluntary tools for private lands like conservation easements. This is especially true in private landscapes with a high potential for development, from the Schramm Bluffs to the Niobrara Valley, and the Pine Ridge, areas where the NLT is working as well. Along with other nonprofit conservation organizations, we are working with private landowners to preserve significant public benefits, at minimal cost to the taxpayer, with no ongoing expense.

Private enterprise is cherished in America, along with the right to determine the future of our own property. Conservation is no different, and Nebraskans enjoy a rich natural legacy thanks to the sound stewardship of private landowners. Conservation easements offer a valuable economic option to those landowners who want to see their sound stewardship, the land, and its resources maintained for all who follow. It is their right and their legacy.

www.platteinstitute.org

If you do not wish to receive this newsletter or if you wish to be removed from all future newsletters, please [click here](#) to manage your subscriptions.